

the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

SEC. 8103. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource of Iraq.

SEC. 8104. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code.

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105-277; 112 Stat. 2681-822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations.

(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109-148).

SEC. 8105. Notwithstanding any other provision of law, none of the funds made available in this Act may be used to pay negotiated indirect cost rates on a contract, grant, or cooperative agreement (or similar arrangement) entered into by the Department of Defense and an entity in excess of 20 percent of the total direct cost of the contract, grant, or agreement (or similar arrangement) if the purpose of such contract, grant, or agreement (or similar arrangement) is to carry out a program or programs of mutual interest between the two parties: *Provided*, That this limitation shall apply only to funds made available in this Act for basic research.

SEC. 8106. Any request for funds for a fiscal year after fiscal year 2008 for an ongoing military operation overseas, including operations in Afghanistan and Iraq, shall be included in the annual budget of the President for such fiscal year as submitted to Congress under section 1105(a) of title 31, United States Code.

SEC. 8107. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to provide award fees to any defense contractor contrary to the provisions of section 814 of the National Defense Authorization Act, Fiscal Year 2007 (Public Law 109-364).

SEC. 8108. Not more than 90 percent of the funds appropriated to the Department of Defense for contracted services under title II of this Act shall be available for obligation unless and until the Secretary of Defense submits to the congressional defense committees the report required by section 3305 of title III of Public Law 110-28 (121 Stat. 136).

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FLAKE:

Page 96, line 12, strike "\$2,500,000 to The Presidio Trust;".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I rise today to once again make the case that earmarking is out of control in these bills.

This Defense bill that we are discussing tonight has more than 1,300 earmarks. The notion that this was adequately vetted and scrubbed, that these earmarks had proper review is simply not reasonable. There is no way they could have in this short amount of time.

When you read through this bill, you have to chuckle at the creative way that some of these projects have been cast in order to appear that there is some defense application.

Just to highlight a couple, there is one earmark in here for a cold weather hand protection system. What could that be? That is a glove to you and me, sold at any outdoor outfitters store. But in here, it is a cold weather hand protection system, and we are going to be giving an earmark to a private company to sell gloves.

There are more. There is another earmark for a light-weight foam sleep pad project. What is that? It sounds like nothing more than a mattress. It is one that self-inflates that scouts have been using for years and years and years. And yet we are giving an earmark to a private company to provide it to the Defense Department. Why are we doing that? There are 1,300 earmarks in this bill, many of them like this.

Let me get to the first one I am challenging tonight.

This amendment would prohibit \$2.5 million from being used to restore the parade ground in the center of the Presidio's Main Post, and reduce funding for the overall bill by a consistent amount. This is just one of a long parade of earmarks in the bill.

The Presidio is located in San Francisco, one of the oldest continuously used military posts in the Nation. In 1996, Congress turned the bulk of the Presidio, including the large Main Post area, over to a congressionally chartered nonprofit organization called The Presidio Trust to be managed with the National Park Service.

In a unique arrangement, the main objective is to achieve financial self-sufficiency by the year 2013 largely by renting out housing and leasing land to businesses. It has been quite successful in this. The San Francisco Chronicle noted last year the Presidio was becoming a scenic enclave where only the well-healed need apply with some houses being rented for more than \$4,000 a month. That is high, even by California standards.

This earmark raises a number of troubling questions, not the least of which is why an earmark for a park managed in partnership with the Na-

tional Park Service is receiving an earmark in the Defense Appropriations bill. The Defense Appropriations bill, I think we all agree, is for the troops. Yet here we are bleeding off funds to spend money on an earmark that has been funded in prior bills for a project managed with the National Park Service. I am sure taxpayers would like to hear a good explanation for this. Why are we doing it in the Defense bill?

Mr. Chairman, I reserve the balance of my time.

Mr. MURTHA. Mr. Chairman, I oppose the amendment.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. MURTHA. Mr. Chairman, we put money in where there used to be bases before it went to the Park Service to be sure they were secure for the Park Service, so I oppose the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. FLAKE. Mr. Chairman, may I ask the gentleman who is the sponsor of the earmark?

The CHAIRMAN. The gentleman from Arizona controls the time.

Mr. FLAKE. I would yield to the gentleman if he would tell us who the sponsor of the earmark is.

Well, I guess I will since he won't. The sponsor is the Speaker of the House, and I would hope that the sponsor of the earmark would come and defend this. Why are we earmarking defense dollars for a project managed in cooperation with the National Park Service, a project that is receiving millions and millions of dollars from the outside in a very high-rent district in San Francisco. That doesn't seem right, yet we are doing it.

And this is indicative of a lot of the earmarks that are going into this bill. It is perhaps not surprising that there isn't much of a defense for this. But I would think even if it is nearly 11 on the last day of the session that the taxpayers deserve a little better than this.

I have a few more earmarks and we will talk a little more about this. But it just seems wrong when you come up with high-sounding words to make the earmarks sound like they are more important.

I started thinking that if this podium right here were described in the defense bill, it would be referred to as a multi-purpose, ad hoc self-generating, voice-projection platform. Or this pen might be a stenographic multi-functional polymer language communication system.

If you name things like this, you might get funding in this defense bill. And people might laugh, but we do it year after year after year, and it grows. People will point out that there are fewer earmarks in this bill than there were in the past couple of years. That is true, and it is a good thing. But it is still too much.

How can we exercise proper oversight when we are spending money like this?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).